

REMARKS

Claims 1-17 and 86-101 are currently pending and stand rejected. Applicant requests reconsideration of the rejections thereto.

Rejections under 35 U.S.C. §112

Claims 1-17, 87-97, and 100-101 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 1 to clarify that the list of pieces of manufacturing equipment received correspond to the pieces of manufacturing equipment defined to be required for the fabrication of the product lot. Claim 86 has also been amended to clarify that "the product lot" is a one of the "plurality of product lots". In this regard, Applicant believes that the recitation of "the product lot" in claim 87 corresponds to the product lot that is designated as the "product lot of the plurality of product lots". Therefore, claims 1 and 87 are believed to be in compliance with 35 U.S.C. §112.

Rejections under 35 U.S.C. § 102

Claims 1-4 and 7-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,842,655 to Collins (hereinafter referred to as "Collins"). As set forth at MPEP §2131, it is well-established:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

With respect to the claims as herein amended, this rejection is respectfully traversed.

Collins teaches preparing a machine to perform a processing step. That is, Collins teaches that "[t]he objective is to determine which 'lot' of Product A will next be processed by Machine 125." Col. 6, Ins. 37-38. "When Machine 125 is available for processing in Step 4, 25, or 27 the following 'lots' of Product A are ready for processing by Machine 125 (See Table I)." Col. 6, Ins. 40-42. Collins further discloses that "[t]he following rules determine which lots of Product A will be selected by Machine 125 at each instant in time when Machine 125 is next ready to accept a lot of Product A for processing..." Col. 6, ln. 50 through col. 7, ln. 14. In this

regard, Collins teaches an object processing system that determines when a particular machine is available for processing an object.

In contrast, claim 1 is directed to a "system for dispatching of at least one product lot for processing." The claimed system includes "a lot dispatcher ... to dynamically receive ... a criticality factor for each piece of manufacturing equipment" and "a priority factor calculator ... to receive ... said criticality factor ... for determining a priority factor for said product lot."

Therefore, claims 1-17 are believed to be patentably distinct from that taught and/or suggested by Collins. Allowance thereof is therefore respectfully requested.

Claims 86-101 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,444,632 to Kline et al. (hereinafter referred to as "Kline"). This rejection is respectfully traversed.

Kline discloses an apparatus and method for selecting "a period of time for evaluating process resources and lots to be processed by the process resources." Abstract. Kline discloses that a "schedule extender object 340 creates a score table 350 to facilitate scheduling choices." Col. 5, Ins. 43-45. "The score table object 350 determines the combination of a lot and a process resource that has the best score; this is the winning pair." Col. 6, Ins. 11-14. Kline further teaches that "[t]he sum of the scores from the lot factors determine a lot score, and the sum of the scores from the tool factors determine a tool score. The lot score and the tool score are combined to provide a total score" for a given lot on a given process resource." Col. 10, Ins. 42-46. "A subtotal is obtained for both the lot factors and the tool factors and in turn a total is obtained from the subtotal of the lot factors and the subtotal of the tool factor." Col. 10, Ins. 63-66. Thus, Kline teaches that the addition of lot factors and tool factors is used to determine a total score for ranking purposes.

In contrast, claim 86, for example, calls for, in part, "determining a first magnitude of processing to be done, determining a second magnitude of production capacity, and computing

the ranking factor as a ratio of the first magnitude to the second magnitude." Claim 101 also calls for determining a ratio for ranking a plurality of lots. Thus, a ratio is used to determine ranking factors.

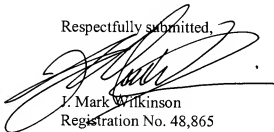
Therefore, claims 86-101 are believed to be patentably distinct from that taught and/or suggested by Kline. Allowance thereof is therefore respectfully requested.

Conclusion

It is clear from all of the foregoing that independent claims 1, 86, and 101 are in condition for allowance. Dependent claims 2-17 and 87-100 depend from and further limit independent claims 1 and 86 and therefore are allowable as well.

An early formal notice of allowance of claims 1-17 and 86-101 is requested.

Respectfully submitted,



J. Mark Wilkinson
Registration No. 48,865

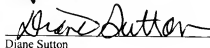
Dated: 9.15.06

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972/739-6927
Facsimile: 214/200-0853
Attorney Docket No.: 2002-1147/24061.501
Document No.: R -145925.1

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on

September 15, 2006



Diane Sutton